

MINUTES

WARRICK COUNTY AREA PLAN COMMISSION

Regular meeting to be held in Commissioners Meeting Room,
Third Floor, Historic Court House,
Boonville, IN
Monday, May 13, 2019, 6:00 PM

PLEDGE OF ALLEGIANCE: A moment of silence was held followed by the Pledge of Allegiance.

MEMBERS PRESENT: Guy Gentry, President; Bill Byers, Amanda Mosiman, Bob Johnson, Jeff Valiant, Richard Reid, and Jeff Willis.

Also present were: Morrie Doll, Attorney; Sherri Rector, Executive Director; Molly Barnhill, Assistant Director; and Amanda Key, Staff.

MEMBERS ABSENT: None

MINUTES: Upon a motion by Amanda Mossiman and seconded by Jeff Valiant the Minutes from the special meeting on February 12, 2019 were approved as circulated. Upon a motion by Jeff Valiant and seconded by Bill Byers the Minutes from the regular meeting on April, 8 2019 were approved with one abstention from Richard Reid.

The President read the Rules of Procedure. He stated they will offer a rezoning recommendation to the Board of County Commissioners which will meet here on June 10, 2019 at 4:00 p.m. He said as to primary plats, the APC Board has the final say tonight at this meeting contingent upon the rezoning approval.

PP-19-03 Spring Creek Phase 2 PUD- Developer/Owner: Spring Haven, LLC by John Elpers, Mngr. 5.869 acres located 490' S of Vann Rd. and 230' E of Bell Rd. at the end of Cora Ct. being part of lot 2 in Martin Bell Subdivision as recorded. Ohio Twp. (Advertised in the Standard May 2, 2019.)

PC-R-19-05- Petitioner/Owner: Spring Haven, LLC by John Elpers, Mngr. 4.473 acres located 490' S of Vann Rd. and 230' E of Bell Rd. at the end of Cora Ct. being part of lot 2 in Martin Bell Subdivision as recorded in Doc. 2013R-002629 from "R-1/PUD" a Planned Unit Development consisting of One Family Dwellings to "R-2/PUD" a Planned Unit Development consisting of Multi-Family. Ohio Twp. (Advertised in the Standard May 2, 2019.)

Scott Buedel with Cash Waggoner and John Elpers, developer, stated their names for the record.

The President called for a staff report.

Mrs. Rector stated they do have all the return receipts from certified mail to the adjacent property owners except from Joshua and Laura Schnell. She said we do have the white pay receipt showing it was mailed correctly and on time. She said to bring in the green return receipt whenever they get it. She said the current zoning is "R-1/PUD" One Family Dwellings with a Planned Unit Development. She said as a part of this development they have filed to rezone part of the property to "R-2/PUD" Multiple-Family with a Planned Unit Development. She said it is zone X on the flood plain, which means it is not in it. She said it is a proposed 13 lot subdivision. She said the Commissioner's approved the street plans today subject to Bobby Howard's final review. Mrs. Rector stated the Drainage Board approved drainage plans. She said they do have a capacity letter on file from Newburgh Sewer and a letter from Chandler regarding the water. She stated there are three one family dwellings lots, ten lots for duplexes, and two out lots set aside for drainage and are to be maintained by the Homeowner's Association. She stated they have filed a sidewalk waiver for all the property east of the ditch on both sides of Cora Court.

Mrs. Rector said the rezoning certified mail receipts for adjacent property owners are all the same and they were mailed together. She said she just needs the one green pay receipt. She stated there are ten buildable lots and one outlot. She said the Comprehensive Plan shows the area to be moderate to high density residential. She said the existing land use is vacant. She stated that the properties to the north and east are zoned "R-1", one family dwelling district, in the Spring Creek Subdivision Phase 1. She said the property to the south is zoned "C-4", General Commercial and is the location of Ciholas Engineering Firm. She said the property to the east is zoned "R-2", multiple family, being Springston Canterbury Green Subdivision. She said this is filed in conjunction with the primary plat. She said this area was originally primaried in 2016 and zoned as "R-1" and "R-1/ PUD" where there is allowance of smaller yards. She stated they now would like this portion of the development to be rezoned for duplexes so they had to re-primary and re-zone to be in compliance. She said this is in the zone X flood plain. She stated the access is Cora Court. Mrs. Rector said the stated use is Spring Creek Phase 2 PUD, which would be in compliance. Mrs. Rector said everything is in order. She said the plat is in technical conformity to the subdivision ordinance.

The President asked if there is anything to add to the staff report.

Scott Buedel replied by restating what Mrs. Rector just said about the subdivision plat that came before it. He said it was not that long ago that Mr. Elpers and himself went through the same process and had single family dwellings on the entire "PUD" portion of the development. He said then they looked at it from more of a marketing standpoint and decided that everything east of the ditch could be duplexes to get a little bit of variety in the subdivision. He said the whole reason for coming back is to change that. He said it is the same area and will be the same number of dwelling units, it's just going to be duplexes instead of single family dwellings.

Amanda Mossiman said if he is talking about east of the ditch, she assumes that is kind of running between Outlot A and B.

Mrs. Rector said correct.

Scott Buedel said yes.

The President asked if there are any questions from the Board members.

The President asked if there are any remonstrators for or against the project.

Richard Reid asked how large the duplexes will be.

John Elpers said they are still working on it but probably around sixteen or seventeen.

Mr. Reid asked if the duplexes would be two bedrooms.

John Elpers said they are still working on those plans.

Jeff Willis asked if there are sidewalks on the rest of Cora Court on the other side of the ditch.

Scott Buedel said yes. He said again, this has all been approved before the same way as far as what they are asking for, except when they get to the ditch on the west side of the ditch, they will have a ramp so they can get from one side of the road to the other and back around. He said it's just part of it crossing the ditch with the sidewalks, the extra length and so forth with that pipe that is going to have to be installed. He said it's going to be a large culvert. He said once they get to the back side of the property, the depths of those lots are very minimal. He said that is the whole reason they went through with the PUD in the first place was to try and have the front yards reduced and the back yards be reduced to get a better footprint of a house on those lots. He said and that is basically due to topography of the ditch that goes through there now. He said it cuts that property down to that width. He said that is really the best we can do with that area back there. He said with the reduced building set back lines, now the buildings can sit a little closer to the road. He said in the past when they have had that situation of a car potentially sitting out in front of a garage, it's going to block the sidewalk if it was back there anyway.

The President asked if there are any other questions of from the Board members. He said if not I will entertain a motion.

Attorney Doll asked if there are any remonstrators.

The President said nobody stood up when I asked.

Attorney Doll said sorry.

The President said I guess we would need a motion on the zoning first, perhaps.

Richard Reid asked if it would allow section 8.

John Elpers said no.

Jeff Valiant made a motion to give PC-R-19-05 a positive recommendation to the County Commissioners.

The President said there is a motion on the floor to approve zoning of PC-R-19-05. He said is there a second.

Bob Johnson seconded the motion.

The President said motion seconded. He asked if there is any other discussion.

All in favor, Richard Reid opposed, motion carries unanimously.

The President said this will now go to the Board of Commissioner's for their final approval on the zoning.

The President said he will now entertain a motion for the plat contingent on Commissioner's approval of the zoning.

Mrs. Rector said you also need to act on the waiver for the sidewalks.

The President said yes, the waiver, we should do that first. He said the request for waiver on the sidewalks.

Mrs. Rector said on the east side of Cora Court, correct.

Amanda Mossiman said yes and on both sides of the street.

Jeff Willis said on both sides of the street.

Scott Buedel responded saying yes just east of the ditch. He said the first three lots on the south side of Cora Court as it makes that 90 it would have sidewalks and they would cross over and then wrap all the way around all the other roads that are already built. He said it will just be that portion east of the ditch.

Amanda said so basically they have to walk up the road to get sidewalk access after that point. She said I don't understand why.

John Elpers said the set back on the front is so shallow.

Amanda Mossiman said yeah, I understand.

John Elpers said when parking in front of their garage, they are going to have to go out into the street around the vehicle.

Jeff Willis said but when they park on the street they have to walk outside the cars to get down to somewhere it is safe to walk.

Attorney Doll said do we know when the postal service is going to impose their new rules.

Mrs. Rector said I am going to get to that in a minute. She said I'm waiting until we get into this. She said you can approve the waiver or add to it by putting it on one side of the street and they have to move the lot line a little or something. She said it is up to the Board to make that decision.

Amanda Mossiman said I know but I just don't like it.

Jeff Willis said he is picturing it with duplexes, there will be one car in each driveway and then cars parked on the street. He said then there isn't anywhere to walk either.

John Elpers said the restrictions are going to be against parking in the street. He said they are already that way in Phase 1.

Amanda Mossiman said so there is going to be duplexes but they can't park on the street.

John Elpers said we've got that in every subdivision we have ever built.

Scott Buedel said the duplexes will have garages just like the single family dwellings do.

Amanda Mossiman said ok so one car garage.

John Elpers said no it will be a two car garage.

Amanda Mossiman said okay, a two car garage.

Mrs. Rector said she has a question but she doesn't want to get into this big discussion right now because it is later on the Agenda. She said there are representatives from the postal service here about implementing the cluster boxes. She said I believe you have already been in contact with them. She said when you have no sidewalks anywhere, where do you put them. She said if they are going to have you put up these boxes and there are no sidewalks, where are they going.

John Elpers said they have a different thought on clusters. He said you can do them all in one location or like they allowed us to do in Phase 1. He said he has four lots that kind of come together. He said they allowed us to put it on one corner on the same sides of the street. He said so there would be four mailboxes on one corner servicing four lots. He said they call that a cluster. He said that is fine. He said he didn't want a cluster at the entrance of the subdivision because that is going to be a nightmare to get in and out of the subdivision.

Jim Greenwood said from the audience that the post office is willing to work with developers on locations.

Mrs. Rector said they would get to that here in a minute. She said she has spoken to the County Engineer about their feelings and so forth. She said it was just a question but you two may want to stay. She said she has sent out emails to the Home Builder's Association and Morley Jr. is going to speak too as an engineer regarding this. She said Steve Byers, Fire Chief of Boonville, and Fire Association is going to have questions too. She said the representatives are here so we are going to see if we are going to do anything with primary plat approval or plat approval or not. She said you may want to stay and see how we handle this in the future. She said it is an issue that we need to deal with. She said I don't want to hold this up because we haven't done anything yet. She said so right now we'll see how it goes. She said I was just curious.

Inaudible chatter from the audience.

Mrs. Rector said you have to state your name for the record if you want to speak.

The President said wait and discuss at the other part. He said right now we are looking for the sidewalks. He said he needs direction from the Board for what we want to do in regards to the request for the waiver for sidewalks. He said there doesn't have to be a motion at all. He said well the request was made so it either has to be for or against, or some other suggestion.

Mrs. Rector said the requirement is four foot wide sidewalks in residential subdivision of half an acre or less. She said that is what the requirement is.

Jeff Willis asked if it is possible to put them all on one side of the street.

The President said up to the ditch.

Jeff Willis said yes up to the ditch.

The President said that seems to be your concern. He said one concern is going across the ditch and the other concern is obviously the amount of front yardage you've got and things like that.

John Elpers said what we would do with the ditch, just turn it out on the street.

Jeff Willis asked if that is what was done on the other side of the ditch.

John Elpers said that is what I was curious about.

Scott Buedel said on the west side of the ditch they basically come up to a point and stop on each side. He said there are ramps on each side of the road. He said you can go up one side of the road and there is a ramp on the other side, and can go back around to the other side. He said that is west of the ditch. He said like John was saying to get across the ditch that is a 5 by 8 box culvert that is going under the road-way. He said it's a pretty hefty pipe to get across that ditch so to add the green space and the sidewalks and the setbacks again off of that it just extends that pipe further. He said again if you see how narrow these lots are to begin with, like on the south side of Cora Court, the depth of those lots is ninety one and a half feet and with the fifteen foot front yard and rear yard setback that allows them to get a decent size house on there.

Amanda Mosiman said you guys set the lot size and you're asking for a waiver but you're saying the lot size doesn't dictate that but you guys are the ones that designed the lot size.

Scott Buedel said right and if the north line of the section could have been moved up further north, that's the center of the big ditch that goes through there, so that's why it's located where it is.

Mrs. Rector said are you going to sell these units or rent them out.

John Elpers said sell.

The President asked if there is a motion from the Board or a suggestion.

Attorney Doll asked if there is no parking allowed on the street of the subdivision.

John Elpers said correct.

Attorney Doll said okay.

Amanda Mosiman motioned to not grant the sidewalk waiver on both sides of the street. Bill Byers seconded the motion. Several members voted against the motion. The President asked for a roll call.

Jeff Willis, nay; Jeff Valiant, nay; Bill Byers, yea; Bob Johnson, yea; Richard Reid, nay; Amanda Mosiman, yea; Guy Gentry, nay. Motion denied 4-3

The President asked if there is any other discussion. He if there is another motion.

Bob Johnson said he would be happy to see a sidewalk on the one side of the street.

The President asked if that is a motion.

Bob Johnson said yes I'd like to make a motion.

Attorney Doll asked if the developer could pick, assuming you're going to have to build one side of the sidewalk, which is the least concern: the north side or the south side. He said or does it not make any difference.

John Elpers asked if he could have that leniency and make that call.

Attorney Doll said so in other words what you are asking the Board is would they be willing to pass a resolution allowing you to build a sidewalk on one side of Cora Court to be determined by the developer. He said is that what you are asking for.

Scott Buedel said we were not asking for that we are asking for a waiver.

Attorney Doll said that is his question. He said he asked a question. He said did I restate his question correctly.

John Elpers said I think so.

Mrs. Rector said you are wanting to choose and not say right now.

John Elpers said yes.

Mrs. Rector said okay.

Scott Buedel said how far we have to go around the cul-de-sac.

John Elpers said if we started at the cul-de-sac, would the Board be fine if it stayed on that side all the way to the street.

Attorney Doll said all the way to the bridge.

The President asked is that acceptable with Bob and the motion.

John Elpers said does that make sense. He said see how the cul-de-sac loops down towards the creek, if the walk started at the side of the cul-de-sac and went down that street...

Attorney Doll said in other words it does not go around the cul-de-sac.

John Elpers said correct. He said because if we start the cul-de-sac, how do you stop it.

Bob Johnson said that would be up to the Commissioners.

The President said so basically between lot 58 and 59.

Mrs. Rector said start it there.

Attorney Doll said unless it's on the other side of the street.

Scott Buedell said the middle of 60, in the curve.

Attorney Doll said in the curve.

Mrs. Rector said so the north side at the curve.

The President said is that acceptable, Bob. He said is that what you were thinking.

Richard Reid said isn't that going to create more drainage because it's such small lots to begin with.

Inaudible chatter.

Attorney Doll said it backs up against the creek.

Mrs. Rector said and Bob if you do make that a motion it should also include an amended certificate of compliance be submitted to Bobby Howard for the dollar amount to be approved in addition to what he is going to approve now. She said to make it subject to that.

The President said because there was nothing submitted.

Mrs. Rector said right. She said it should be added to the street plans.

Amanda Mossiman said there is no place for water to go, no place for people to walk, and no place for ADA compliance to walk.

Attorney Doll said children.

Amanda Mossiman said children to walk. She said how they are going to get to the bus.

John Elpers said does that make sense with that option.

Bob Johnson said from lot 60 to the cul-de-sac.

John Elpers said see how lot 60 runs into the side of that cul-de-sac. He said if he started it right there where the cul-de-sac starts the radius and ran down that side of the road all the way down to the creek. He asked if that would be sufficient.

Bob Johnson said as long as there is a place to walk. He said I would be happy with that.

Scott Buedel asked if they are required to cross the creek or can we have a turn out on each side of the creek where you would basically have to go out into the street for 20-25 feet to get back on to the other side walk.

Bob Johnson said I just don't like it, I really don't. He said to me it sounds like you're putting someone in the street where it might be dangerous. He said especially in the winter time.

John Elpers asked Scott Buedel how much footage can I take in a core ditch. He said have we maxed that.

Scott Buedel said no, we can do that it's just the cost of a 5 by 8 culvert is \$300 a foot.

Amanda Mossiman said she would be in agreement with that amendment where it is on one side but you got to cross the ditch. She said she is in agreement with that.

Attorney Doll said so you're seconding the motion.

Amanda Mossiman said if that's the motion then, yes.

Bob Johnson said he makes a motion to approve sidewalks on the north side of Cora Court starting at the point of radius of the cul-de-sac on lot 60 going east to connect to the side walk on the other part. He said

also a new certificate of compliance should be submitted with the dollar amount for the cost of the sidewalks for Bobby Howard to review.

Attorney Doll said can I ask a question about that motion. He said then is it necessary to put a sidewalk in front of lots 52, 53, and 54.

Mrs. Rector said they are already getting sidewalks.

Attorney Doll said but why. He said if you're putting a sidewalk on the north side..

Mrs. Rector said that was already going to be there.

Attorney Doll said I knows that it was already promised but my question is why if you're moving it all to the north side and you're crossing a ditch....

The President said because they have it on both sides allowing them a way to get out. He said otherwise 54 and 53 would either have to cross the street to get to the other sidewalk and the sidewalk is continuing on here.

Attorney Doll said just like everybody else though. He said okay that's fine and that answers my question.

Bob Johnson said okay that is my motion.

The President said there is a motion on the floor and called for a second.

Amanda Mossiman seconded the motion.

The President asked for any more discussion. Being none, the motion carried with all in favor except for one opposed, Richard Reid.

The President said now he is ready for a motion on the primary plat.

Jeff Valiant made a motion to approve PP-19-03 subject to the sidewalk waiver as discussed and the zoning approval from the Commissioners. The Motion was seconded by Jeff Wills and unanimously carried.

2019 COMPREHENSIVE PLAN AMENDMENT RESOLUTION

RESOLUTION AMENDING THE 1993 (AS AMENDED) COMPREHENSIVE PLAN FOR WARRICK COUNTY (UNINCORPORATED AREAS) AND TOWNS OF ELBERFELD, LYNNVILLE AND TENNYSON. (Advertised in the Standard May 2, 2019.)

Mrs. Rector said there was a meeting with Jordan Aigner previously and he presented the objective he would like to have the Board implement into the comprehensive plan, which everyone heard at the special meeting. She said basically the Board was in agreement that it would be placed in the Comprehensive Plan. She stated she did prepare the resolution and advertised it in full in the paper for this as a public hearing. She said she also mailed it out to everyone prior to the meeting for their review.

Attorney Doll stated he had reviewed the resolution. He said it was added as goal number four to the General Purpose of the Warrick County Comprehensive Plan. He said the bullet points on the Resolution would be what the Board is recommending to the County Commissioners. He said the Commissioners would be the

ones to actually adopt it. He said what the Board is voting on is recommending or not recommending this amendment seeking high quality affordable housing developments, supporting the creation of conventional housing options, and creating age restricted housing for the elderly within our community. He said if you feel those are proper purposes for the Comprehensive Plan then a motion should be made to recommend this for adoption to the County Commissioners.

The President asked if Jordan Aigner had anything to add.

Jordan Aigner said I really don't unless the Board has any questions. He said I appreciate you guys going through the process and looking at it. He said I think it's always good to look at our Comprehensive Plan. He said this seems like one, for me, would be kind of a no-brainer but you have to think about everything that comes along with it. He said I do appreciate you all again for having the previous meeting. He said it was very open and there was a lot of conversation.

The President asked if he had a chance to see what Morrie had put together.

Jordan Aigner said actually I have not. He said we had suggested a potential that would be good for what we would be doing. He said of course these are competitive things. He said we are trying to make Warrick County more competitive to put state money in. He said I trusts the council and if he did the research on it, I think it will work for us on what we are trying to intend with the program.

Mrs. Rector said it is exactly as you stated.

Jordan Aigner said okay.

The President asked if there are any other questions from the Board members.

Jeff Willis asked if we were to do something like this, would there be any, like the project you were talking about; 40 units or whatever, probably not. He asked if there is any limitations on it. He said could someone come in and put a 400 or 1000 unit in.

Jordan Aigner said yeah, absolutely you're not going to see that. He said these projects are subsidized like we talked about. He said if it weren't for these projects, a developer probably wouldn't want to put money in some communities. He said so it still has to work financially. He said so the proforma, the NOI they look at, the cap rate, and all these things that commercial and residential people look at, still has to have cash flow. He said the people have to be able to pay their bills. He said there is a property manager that collects that rent roll and if you can't make it then they give proper notice and move another person in. He said the owner is the developer of the property and if they don't perform, or cash flow, then it doesn't work. He said so as a part of that, comes with how big can your market take. He said you're not going to see 400 units, let me say a big one is like 60 units. He said a very comparable sizing would be anywhere from 35-40. He said you just can't flood the market because it's got to work. He said they aren't going to get 400 people that qualify for these programs. He said it is very hard to qualify in some cases. He said it is kind of what you call a niche market that services people who need affordable housing but is also very attractive and nice. He said its brand new construction so these are good things to bring into the community, but you just can't flood the market because people won't come. He said so it's actually just like every other project, you're held to what the market can withstand. He said they look at that when they submit those to the state.

Jeff Willis said he was looking at the last two big apartment complexes which were 250 or 700 units or whatever. He said that is what he is picturing when he read the Federal Reserve report on them in Dallas and their average size was 394 units.

Jordan Aigner said yeah that is not our case.

Jeff Willis said it's not just Dallas, it is all of Texas. He said that's Dallas, Houston, and small towns are included.

Amanda Mosiman asked did you actually read the QRP for the rental housing tax credit under Indiana code.

Jeff Willis said no.

Amanda Mosiman said okay, we won't see those. She said not under that. She stated they are very specific.

Jordan Aigner said the other part of that is that we may, if you guys decide to recommend this to the Commissioners, it may be five years before we ever see a project. He said other competitors of his as far as developers may submit, submit, submit and five years down the road everyone will be asking what ever happened to that. He said people will ask how come they aren't seeing those projects. He said that is how competitive they are. He said there are 92 other counties and countless other municipalities' that are doing this. He said we weren't as competitive and this just gets us up to snuff. He said so we can potentially start seeing some of these.

Amanda Mosiman said we still get to debate all the ends and outs of a project that will come in front of us. She said this just allows them the opportunity for them to apply through the program to even possibly bring it here.

Mrs. Rector said yes, it is not an automatic approval.

Jordan Aigner said by no means. He said it is competitive so therefore that is a restriction in itself. He said that is just the process of getting a project.

Bob Johnson said Jordan, when you apply for this do you have to have a specific area in mind.

Jordan Aigner said yes, you actually have to have somewhat of a site controlled. He said so you would go find a site. He said what Amanda Mosiman is talking about is the QAP, or Qualified Allocation Plan. He said you would have to go to a site and say you want a purchase agreement with you and I want to submit this project. He said you would ask that you don't have to pay for the project yet because I have to pay a lot of money and I may fail. He said he would get a contingent option or something like that. He said you absolutely have to have all these details submitted. He said you have to have a market analysis done and in some cases you are dealing with potential zoning and things like this. He said he is sure that the Board sees this stuff all the time. He said I would have to go in front of this Board again because if it is in an agricultural area or something and maybe you are going to have to come get a pre-zoning application or you are kind of going out there in hopes that you might get it. He said certainly again, there is a level of control this Board certainly has.

Bob Johnson asked if there is an area in mind at this time.

Jordan Aigner said he has looked at a couple in Chandler. He said Boonville is not going to work because they have just won the project, which you are familiar with. He said so market again is not going to support another one again until another two to five years probably. He said there are some options in Chandler and around Newburgh. He stated there is some good potential out there. He said you are looking for underutilized properties. He stated that is how the state has set this up. He said find an old parking lot or building or something and let's put it back on the taxes or maybe if it's been foreclosed upon or distressed properties, things like that and let's get them utilized. He said that is great field projects.

Jeff Willis said the other thing I have found in 2011 is from the Joint Center for Housing at Harvard. He stated that in 2008 they had a bunch of them that just came around to being fifteen years old. He said they had a big push back in the 90's because it started in 1986 or whatever. He stated there was a bunch of them that were coming up for renewal because they were at their fifteen year. He said I guess the first fifteen years are kind of fixed on what you have to do with it. He said they then try to get you locked in for another fifteen years. He said but there is no funding available at that point. He said so a lot of those properties were getting ran down. He said because all your maintenance on a project like that is somewhere between ten and twenty years and you have to do a lot of maintenance to it and you can't go and get a conventional loan to do that.

Jordan Aigner said he is not sure potentially what report you're talking about exactly if it's on if this type of housing or not. He said this housing has to work financially. He said you aren't getting free money from the government to mow the grass. He stated all it is, is they are paying a portion of the project. He said once it is up and running, the rent roll has to cover it just like every other property that you have. He said the apartments down at Arbor and any other large apartment complexes have got to make money just like it is. He said you aren't waiting on subsidies.

Jeff Willis said on these properties you don't have the option to raise rates because the rates are based on the fair market. He said you can only charge someone 30% of their income.

Jordan Aigner said correct they are set on the front end. He said you have to submit a reviewed statement with this is how it is going to work.

Jeff Willis said in 2008 and 2009 there were a lot of companies that couldn't get the financing. He said there was no money available. He stated the banks weren't buying these credits anymore. He said they lost a bunch of money.

Jordan Aigner said of course Jeff I can't speak for the market, certainly not. He said just think about what happened in 2008, not just this project it was everything. He said so banks changed and everything. He said I'm not ever going to tell you there is a fool proof piece of real estate.

Jeff Willis said I understand that. He said one of the concerns is...

Jordan Aigner said there is always risk in real estate. He said this is real estate, it is what it is.

Jeff Willis said in fifteen years there is no money to rehab it so they are kind of stuck with whatever was built and hasn't been fixed right.

Jordan Aigner said in this case, the money comes from the project itself. He said that is where it comes from. He stated it is no different than any apartment buildings I've had or single family residences that you have for rental. He said it has to come from the business plan itself.

Jeff Willis said if we have a private apartment building and we fix it up and make it more competitive to the market. He said he can raise his rates to accommodate that. He said with these, you are stuck with the rates you have.

Jordan Aigner said if you are talking about the fifteen year you're not though. He said once you are out of the fifteen year, you don't have to do it. He said most of them get rolled back in because they are very competitive. He said some developer will say they want to gobble that up because it was a previous project.

He said they then renovate it but they don't have to at that point they can go to market rate. He said so you are not held by it at that point.

Jeff Willis said most of the information he could find was 2011 and 2013. He said he knows the rules have probably changed. He said in the articles he read they were talking about how they were forcing them to re-up unless they couldn't sell it at a previous price.

Jordan Aigner said again, at that point if you're looking at the market rate, you have this project that is 100% occupied. He said what people want is a project that are 100% occupied. He said that is what they will be at that point.

The President asked if there are any more questions or concerns. He stated he will entertain a motion on the floor.

Richard Reid made a motion to approve the Amendment to the Comprehensive Plan.

Amanda Mosiman seconded the motion. Jeff Valiant, Bill Byers, and the President voted in favor the motion. Bob Johnson and Jeff Willis opposed. The motion carried 5-2.

The President said this will go to the Board of Commissioner's meeting for recommendation of approval on June 10th.

AMENDMENT TO THE ZONING ORDINANCE:

AN ORDINANCE TO AMEND ARTICLE IX-One Family Dwelling "R-1", "R-1A", "R-1B", "R-1C" and "R-1D" DISTRICTS SECTION 1 USE REGULATIONS BY ADDING SUBSECTION (4) OF THE COMPREHENSIVE ZONING ORDINANCE IN EFFECT FOR WARRICK COUNTY, INDIANA

Mrs. Rector said the purpose of this ordinance is to add Backyard Chickens (*Gallus Gallus Domesticus*) to the Warrick County Comprehensive Zoning Ordinance. (Advertised in the Standard May 2, 2019.) She said as they discussed at the last meeting, we get calls daily on this of people wanting them. She said Amanda Mosiman found that the house passed a bill. She said what was it.

Amanda Mosiman said the Indiana Legislator passed a bill telling local governments they cannot ban having bees or chickens. She said the local governments can set regulations but that is it.

Mrs. Rector said we cannot ban them even if we wanted to but we can regulate them with these type of restrictions.

Bob Johnson said *Gallus Gallus Domesticus*.

Amanda Mosiman said yes *Gallus Gallus Domesticus*. She said you guys are never going to let her live that down.

Mrs. Rector said you can change it to three or ten.

Attorney Doll said this only applies to chickens. He said it does not apply to ducks and it doesn't permit roosters. He said it is limited to six and they have to be completely contained within the yard. He said there

has to be proper shelter provided. He said you can only have one shelter with six chickens and has to be 50 feet from any neighboring residence. He said no roosters.

Amanda Mosiman said no roosters.

Mrs. Rector said you don't need them.

Attorney Doll said what Mrs. Rector is saying is that we don't ever trump restrictive covenants in subdivisions. He said maybe the general assembly has.

Mrs. Rector said I think the law has now.

Attorney Doll said if Lake Wood Crossing has a restrictive covenant, just picking an example, that says you're not allowed to keep livestock or Gallus Gallus Domesticus in your yard then we would not permit that by this ordinance. He said if the subdivision is silent, then our ordinance would control. He said but now the General Assembly may have said that the restrictive covenant is unenforceable. He said I don't know that but frankly, that is not the issue before the Board.

Mrs. Rector said they are looking at it as a food source.

Amanda Mosiman said it is an Ag matter but specifically the language in the Bill says county, city, town, and township. She said so right now it is not addressing private property or restrictive covenants.

Jeff Willis said he agrees with his neighbors to not have chickens on the restrictive covenant.

Amanda Mosiman said until you get the one person that comes in and didn't even read it.

Jeff Willis said he agreed with his neighbors not to have chickens.

Attorney Doll said you mutually agreed.

Jeff Willis said yes we mutually agreed.

Amanda Mosiman said yeah and currently the state legislator isn't regulating that.

Mrs. Rector said so you can still have them as private restrictions in your subdivision.

Amanda Mosiman said yes.

Jeff Valiant said why six chickens.

Mrs. Rector said because I looked at Vanderburgh County and I looked at other counties. She said and the town of Newburgh's ordinances to see what they have done.

Amanda Mosiman said it is a common number for social interaction.

Attorney Doll said you're an expert on chicken interaction.

Mrs. Rector said they have a social interaction.

Amanda Mosiman said yes I'm an Animal Scientist. She said they have a social hierarchy and a social structure of typically four to six.

Jeff Valiant said more than six chickens is a party.

Mrs. Rector said this is just a recommendation to the County Commissioner.

Attorney Doll said that's how it works.

The President said they can either approve it or pass it on.

Amanda Mosiman said this is an effort to have a rule that Sherri can hand out when she gets asked.

Mrs. Rector said and they get the Improvement Location Permit from us for where the coop is located to ensure it is fifty feet away from the neighboring residence.

Jeff Willis asked if that is going to limit a lot of smaller back yards.

Mrs. Rector said probably, yes.

Amanda Mosiman said yes.

Jeff Willis asked if fifty feet is enough. He said I don't know how much noise six chickens make.

Attorney Doll said well the rooster would make a lot. He said that is why the rooster is not included.

The President said I have four to six across the street from me and he doesn't even know they are there.

Mrs. Rector said so basically we cannot say you can't have them anyway. She said we can just do this.

Amanda Mosiman said honestly fifty feet is well above and beyond. She said twenty feet would be fine.

Jeff Willis said fifty feet might make it too restrictive in a lot of neighborhoods for people.

Amanda Mosiman said I would agree that this is what we have found but as a chicken person, I would agree twenty feet would be fine.

Mrs. Rector said you can change it. She said I don't have a clue about chickens, so don't look at me.

Attorney Doll said they taste good.

Jeff Willis said he likes eggs.

Amanda Mosiman said that is what a lot of people do. She said that is why this is exploding, it is a hobby.

Attorney Doll said the first question would be is there a proposed amendment.

Amanda Mosiman said I propose we amend the structure restriction down to twenty five feet.

Jeff Willis said he seconds that.

Mrs. Rector said do you have any others Amanda.

Amanda Mosiman said no.

Mrs. Rector said they need to vote on that separately.

The President said yes.

Attorney Doll said yes.

Jeff Valiant said Amanda Mosiman you are the resident expert. He said I am just throwing this out there, is that a noise thing, could it be a smell thing on the fifty feet.

Amanda Mosiman said for six chickens, you're going to have a smell in the coop when you open the door if they don't clean it out in a year, maybe.

Jeff Valiant said okay.

Jeff Willis said he just wants to make sure they are taking care of the neighbors too.

Amanda Mosiman said yes, agree.

The President said so you are making that in a form of a motion to change from fifty feet to twenty-five feet.

Amanda Mosiman said yes she did.

The President said and do we have a second.

Jeff Willis said yes, he seconds that.

The President said is there any other discussion.

All in favor except one opposed, Bill Byers. Motion carried 6-1.

The President said it is now changed to twenty-five feet. He said are there any other corrections that the Board would like to see. He said if not he would entertain a motion for recommendation or not to the Commissioners.

Jeff Willis made a motion to recommend amending the Ordinance with the changes made tonight. Amanda Mosiman seconded the motion. The motion carried with 6 in favor and 1 opposed, being Bill Byers.

The President said this will go to the County Commissioners for approval on June 10, 2019.

Postal Deliveries: Requirement of postal approval prior to plat approval regarding new delivery guidelines.

Mrs. Rector said she has sent the Board a packet about the postal delivery requirements. She said they are implementing the requirements, which started back in 2012 but got dropped and now they have come back and are starting to enforce it. She said she sent the Board the information with guides that they had sent to her. She said they should have gotten an email and they are also in their packets today. She stated Bobby

Howard, County Engineer, went out and took pictures of some of the cluster boxes that are up in the county now. She said as you can see one in the Jagoe subdivisions, the boxes do not face the road, they face the sidewalk. She said so you got pictures of those. She said there is a picture of another subdivision where they are right at the entrance where you can pull up to it. She said these are examples. She said she asked Bobby Howard to come to the meeting but he had a prior commitment. She said his comment was if they are going to put them in the highway right of way, which of course is ten feet from the pavement normally, then he wants the back of the box to the sidewalk, not on street side. She said he does think they should be where you don't have the drive up capability, you do walk to them. She said that was what he was wanting but some of them aren't now. She said then he also feels that they should be a part of the street construction plans showing the location of the boxes to ensure that they do not cause any sight problems pulling out on corners. She said that way they will be in the street construction plans showing them where they are at each location and with approval and sign off by your department.

Frank Ledford said that is all that they ask is that they can be a part of the discussion. He said they wouldn't have the final say as to location, but like he said earlier they are willing to work with the counties and developers when implementing this.

Mrs. Rector said right and she felt that it was important that they get ahead of it instead of approving all these subdivisions and then all of a sudden they are coming up in the right-of-way. She said then the Commissioners and everybody is saying whoa, whoa, no we don't want them out there.

Frank Ledford said it is in their best interest also because not only location but the post office needs to get ahead of the sequencing of the boxes. He said because that is really going to be a factor in our efficiency. He said the sooner the better for them also.

Mrs. Rector asked if they stated their names for the record.

The President said that is what he was about to ask them to do, sign their name and state their name.

Frank Ledford stated his name and said he is representing the Kentuckiana District. He said he is there on behalf of all Warrick County Postmasters.

Jim Greenwood stated his name and said he is the Newburgh Postmaster.

Attorney Doll asked if he can ask some questions.

The President said yes.

Mrs. Rector said yes.

Attorney Doll said for the benefit of the audience, builders, developers, and anyone from the newspaper that is here, what is happening is the postal service has given you autonomy to determine an acceptable receptacle for the delivery of mail. He said it is the intention of the postal service in our county, understanding we do not have jurisdiction over Newburgh, Chandler, or Boonville, that you are not wanting, in a subdivision, individual mailboxes at each house.

Frank Ledford said right, they want centralized.

Mrs. Rector said and commercial.

Attorney Doll said and commercial.

Frank Ledford said right.

Attorney Doll said they are called cluster boxes.

Frank Ledford said yes cluster box units.

Attorney Doll said that could mean that you have one cluster box unit that covers an entire subdivision. He said or you could have smaller cluster boxes that are sprinkled about the subdivision on some logical bases.

Frank Ledford said correct.

Attorney Doll said that would service a small number of homes within a cul-de-sac or something of that sort.

Frank Ledford said yes.

Attorney Doll asked if you have a home owner that is here tonight that lives in an existing subdivision with an existing mail box out front of their home, does this change the ability for them to receive mail at their home now.

Frank Ledford stated within a year they can change delivery if there is an improper mode of delivery.

Attorney Doll said okay let me understand this, he lives in Lakeview and can see your building. He said he almost could walk there but there are no sidewalks. He said he has a mailbox in his front yard and so do all of my neighbors. He asked does this mean at some point, after a year they could send them notices that could say they have to change to cluster boxes.

Frank Ledford said no.

Attorney Doll asked, if you live in an existing subdivision that has an existing single residence mailbox, that is not going to be changing.

Frank Ledford said right, if you've had an established delivery to a single mailbox after a year, then it's established.

Mrs. Rector said okay, after a year.

The President said okay, if you've had it a year then.

Amanda Mosiman said they can only change it in the first year of development.

Frank Ledford said exactly.

Attorney Doll said this could affect subdivisions that have been approved in the last twelve months.

Jim Greenwood said it would affect Berkshire Subdivision where the homes were sold last summer. He said there are probably a dozen home owners at the beginning. He said he reached out to Jagoe and discussed that entire parcel. He said they are putting in those cluster boxes sprinkled strategically throughout. He said so it isn't inconvenient for the homeowner to walk a long distance to get their mail. He said he would be sending those twelve homes letters that notify them that their mode of delivery, although they will still

continue to deliver their mail to their individual mail box, it will change as soon as Jagoe finishes Phase 1 of Berkshire. He said cluster boxes are going on the far west road. He said there is a parcel of land they had set aside to put their cluster boxes for the first fifty seven or fifty nine lots.

Attorney Doll said sometimes they are requested to replat a subdivision because a change is being made. He said maybe moving a lot line or like you saw one tonight where there was a previous plat approved and they want to come back and do duplexes now. He said we will approve re-platting a subdivision. He asked if that triggers any kind of application of the cluster box requirement to the subdivision if we re-plat it at the request of the developer.

Frank Ledford said if the cluster boxes have been agreed and the replatting doesn't affect that then I don't see why there would be any discussion.

The President said however, it might on this because Bobby Howard doesn't even know where they are going.

Attorney Doll said not only that, but he is asking historically.

Mrs. Rector said if you replatted and you changed from ten lots to thirty lots.

Attorney Doll said sometimes we replat and change from thirty lots to ten lots. He said he is curious about what affect that has on the application of the cluster box requirements. He said this is going to upset some people. He said he's sure it will and he's sure they'll get some push back. He said elderly people like to go to their mail box. He said his mother-in-law does every day. He said the consequence of that, this is a question and my wonderment, is generally you're going to now be asked to look at development plans early on.

Frank Ledford said what they ask is for the developer to get with the local post office as soon as they can to agree on a location for the cluster boxes. He said that is what they are asking.

Attorney Doll asked and you will provide Mrs. Rector's office, the Area Plan Commission, who has to approve these subdivision with this Board and others as you saw tonight, with a written letter that says we've looked at subdivisions X, Y, and Z and it complies with the United States Postal Service requirements for the cluster box units to be used and it meets our standards.

Frank Ledford said if they have a developer's agreement that is signed by the developer and the post office that they both have agreed on a location for the cluster boxes.

Mrs. Rector asked so they are submitting you that plat and layout to look at.

Frank Ledford said right, they would work with the developer in the early stages when they have their engineered drawing. He said the local Postmaster can do it at site, which is best, or they can just look at the plat and kind of decide on it. He said ideally they would like one location. He said it is much more efficient for them. He said there are a lot of nice cluster box kiosks and things like that but he understands that is not always an option.

Attorney Doll asked if the local post office that has jurisdiction to deliver the mail to that subdivision, whether it's Boonville or Newburgh in Warrick County for example, is that where they need to take the plans to and not a centralized office some place out of state.

Frank Ledford said no. He stated he is available if for some reason they can't get ahold of someone. He said he will be able to find a person that can get with the developer. He said if he has to, he will come down himself.

Amanda Mosiman said so basically, this would be like adding a checked box for us.

Attorney Doll said they have capacity letters. He said, so like a capacity letter.

Mrs. Rector said right, it would be that they have this agreement. She said like a Mode of Delivery Agreement.

Frank Ledford said yes ma'am.

Mrs. Rector said okay, let me ask you this. She said she had a subdivision that was approved last month and the developer chose to do an outlot for the boxes and then provide some areas to pull off. She asked if that was agreeable.

Frank Ledford said absolutely. He said that is ideal, a turn out or some parking. He said he has several examples that he could send Mrs. Rector with different styles. He said Ball Homes in Louisville, KY just made a development where they had a pull out and covered kiosk. He said it is one single location. He said as customers come into the neighborhood they can access their box there. He said it's the same with our carrier. He said they will come in and access the box and what they can't fit into the cluster box for the parcels, they will deliver directly to the address.

Mrs. Rector said as she stated earlier, Fire Chief Mr. Byers is here and his concern of course is 911 Emergency Services. She asked Mr. Ledford if he gets into that or if that is up to Area Plan or someone else to enforce that. She said there has to be a physical address on the house somehow. She stated if the GIS doesn't work you can't find houses or anything. She said with the boxes you aren't going to have a mailbox with a number to see. She stated that her house has it engraved in it.

Frank Ledford said yes, and some people have their mailboxes on their houses. He said, so they really don't have a mailbox in front.

Mrs. Rector said but that would be up to us if we want to look at enforcing it.

Frank Ledford said however you all see fit for that. He said he has seen them painted or engraved on curbs. He said that would be a decision you guys can make.

Mrs. Rector said by Indiana Code, the Planning Commission is responsible for addressing all parcels.

Frank Ledford said yes, absolutely.

Mrs. Rector said so we will still do that just like before.

Frank Ledford said nothing changes.

Mrs. Rector said okay so nothing changes on that and she will still give each parcel its own address.

Frank Ledford said in most cases Area Plan sends the addresses to us and EMS. He said that is when they can start working on the sequencing of the cluster boxes. He said if they are scattered throughout the

neighborhood, then they know exactly what is going in where. He said they can sequence them in a logical order.

Mrs. Rector asked if the point of doing this is saving time and money.

Jeff Willis said yes, and they don't have to hire any more postal workers.

Jim Greenwood said there is a development now and the street is very narrow. He said when they went out to look at it, you could only get one vehicle down that road. He said there are vehicles parked on the street. He asked where the carriers are supposed to turn around at. He said they are putting the carrier at risk having a backing accident because when they get to the end of the street or they deliver to a parcel, where are they going to turn around.

Frank Ledford said most of their accidents happen in neighborhoods. He said backing into mailboxes, or cars backing out are the cause of most accidents. He said there was a study done and for curbside delivery centralized saves \$81/year. He said for an average 500 delivery route, that is \$40,000/year just for one route. He said that is where the savings are. He said it is just good business sense for the post office.

Jeff Willis asked who is responsible for cleaning up the cluster box area and if the cluster box is damaged. He asked who pays for it if the cluster box gets hit.

Frank Ledford said they are not responsible for a single mail box outside the house and they aren't going to be responsible for the cluster boxes either.

Jeff Willis asked so who is responsible for the cluster boxes.

Frank Ledford said it would be the customers or the homeowner's association.

Mrs. Rector said we would have to do that just like we do retention areas and certain things.

Jeff Willis said some neighborhoods have homeowner's association where they pay dues, but a lot don't. He said because there are very few common areas.

Amanda Mosiman said very true.

The President said there will be.

Jeff Willis said that is the point he is trying to make. He said if you're an association that has no dues, who would pay for the cluster boxes.

Attorney Doll said I guess you pass the hat.

Jeff Willis said or we just leave it knocked down and they have to deliver to our address.

Attorney Doll said no you have to have a proper receptacle or they won't deliver.

Mrs. Rector said there would have to be a notice on the plat that states Warrick County is not responsible for the maintenance for these, just like we do other improvements that are in the right of way.

Frank Ledford said the post office manual is clear about that also, about responsibility.

Mrs. Rector said she thinks most developers, like Mr. Elpers will have in their private restrictions that someone is going to be taking care of them.

Attorney Doll said this is meant to be a service in which homeowners can walk to and retrieve their mail.

Frank Ledford said, yes sir.

Attorney Doll said which puts a new spin on Warrick County's attitude about sidewalks, because otherwise you're going to have kids, people, and adults walking in the streets to get their mail. He said that's not an, "oh I feel like taking a walk today, and I haven't had a walk in a month, but today I'm going to take a walk, walk." He said that is a daily walk and you could have senior citizens too. He said he thinks that is the reason Mrs. Rector was asking the questions earlier tonight about sidewalks. He said they are going to need to bare that in mind with the cluster boxes.

Frank Ledford said they need to consider the ADA also.

Amanda Mosiman said yes. She said we have talked about subdivisions that are approved possibly in the last twelve months that need to put these cluster boxes in. She asked approximately how many are they dealing with right now, besides Jagoe.

Frank Ledford said Jagoe is all on board.

Amanda Mosiman said she understands. She asked how many others they have approached to get this, that the Board has already approved.

Frank Ledford said, just off the top of his head, there are four or five.

Amanda Mosiman said four or five, okay that is fine.

Jim Greenwood said he is sure the plat has already been approved because they are moving dirt. He said there are some streets that are already developed but have no structures on them, but you can tell they are going to be putting some foundations soon.

Amanda Mosiman said, that is fine she is just trying to think what Mrs. Rector and her office team is going to have to go do to create some communication after the fact on how we are going to get these implemented.

Mrs. Rector said well the most they are talking about is Jagoe Homes going in, Ubelhor's are doing subdivisions, Jim Jr. is here and he does the engineering, so he is going to be aware of this now.

Amanda Mosiman asked if there are specific size subdivisions that will have to use the cluster boxes. She asked if it's lot size or so many lots or is it basically any subdivision going up.

Frank Ledford said any new delivery has to be approved by the Postmaster. He said there are cluster boxes as small as four unit cluster boxes.

Amanda Mosiman said she meant the size of the development.

Mrs. Rector said four lots.

Frank Ledford said it is case by case.

Amanda Mosiman said it's a case by case basis so it will be assessed, okay.

Attorney Doll said it will apply to all minor subdivisions.

Amanda Mosiman said okay, that is kind of what she was thinking.

Frank Ledford said if they are looking at a rural delivery down HWY 62 or wherever and you've got four houses in concession, but it's already established as curbside delivery, I would go ahead and make that curbside also. He said, but if they are talking about a confined subdivision, where they can put one centralized location they will go in that direction.

Mrs. Rector said our minor subdivisions, which she wrote to Mr. Ledford about, can be up to four lots. She said however, they have to be 2.5 acres and they are agriculturally zoned. She said zoning doesn't make any difference to him, but they have to be on an existing right-of-way. She said, so it isn't creating new roads.

Frank Ledford said he has to commend Mrs. Rector because she has had some excellent questions and we have had some good correspondence. He said it helps to have a county that they can work with. He said as you all know this isn't going over well with a lot of people or a lot of developers, but it does help that you guys are willing to sit down with us and talk about it.

Bob Johnson asked, who makes the determination whether the box faces towards the inside or outside.

Frank Ledford said that is just something they can agree on. He said location is what they are really looking for. He said there are cluster boxes that can be serviced from the road. He said the carrier can just pull up, open the box, and service it from the road. He said they would be fine with that. He said if you want to make a decision in your county to not face the road for safety reasons, then they can agree on that.

Mrs. Rector said that is what Bobby Howard was suggesting because if people all come home from work at the same time everyone will be lined up in the road.

Jim Greenwood said that is why he did that, for the elderly. He said if someone is handicap and can't walk, they can at least take their wheelchair down there and access the mail.

Amanda Mosiman said yes.

Jeff Willis asked how many people he finds that don't check their mail nearly as often with the cluster boxes that are existing.

Frank Ledford said cluster boxes can hold more mail than you think. He said but people don't normally check their cluster boxes as often as they would their box at their location. He said it is more secure.

Mrs. Rector asked what about Amazon packages.

Frank Ledford said if they won't fit in your parcel locker then it would be delivered to your address.

Amanda Mosiman said they are safe. She said besides, they will be delivered by drones in so many years anyways.

Mrs. Rector said she has packages delivered to her house every other day.

Frank Ledford said security is a big thing now a days.

Jeff Willis said he has a camera pointing on it. He said this one isn't going to have a camera.

Frank Ledford said yeah, but you'll have a key and it will lock.

Jeff Willis said from what he understands they are pretty easy to pick. He said if a thief comes in and says he has ten boxes here I can pick real quick and go to every mail box and pick something out.

Frank Ledford said he hasn't heard in his district of anyone doing that.

Jeff Willis said El Paso had a big one, four or five years ago.

Attorney Doll asked Jeff Willis if he said El Paso.

Mrs. Rector said, you have people come up to the front porch with a camera pointed right at them and they wave, take it and go.

Frank Ledford said he understands. He said it is more secure and they don't see your flag up to come pick up your check after you leave your house and things like that.

Amanda Mosiman said they could argue the semantics of that all night.

Mrs. Rector said absolutely.

Attorney Doll said what ifs.

The President asked if there was anyone else that they specifically asked to be at the meeting or anyone in general that has any comments or questions.

Jim Morley Jr. stated his name for the record. He said he recognizes this is coming and it can't be changed. He said what he would ask, from the developer side of things, if the post office would give them easy access to who they should be talking to and turnaround times.

Jim Greenwood said he would turn it around as soon as he is made aware of it. He said he doesn't want to hold anyone up.

Jim Morley Jr. said he knows this isn't a Planning Commission thing but there are some challenges that were mentioned twice already. He said one of those is ADA access. He said in Warrick County they aren't allowed streets that are steeper than a 5 % slope. He said the maximum side walk slope, to be ADA compliant (unless it's a ramp condition that requires handrails) is 5%. He said historically that has just kind of been ignored, so to speak. He said because whether you are handicap or not handicap it's your choice to whether you walk down the sidewalk. He said in this situation now people won't necessarily have that choice if they want to go to their cluster mailbox. He said the majority of streets in Warrick County are less than 5% slope but they do have new streets that are going in that are steeper than 5% slope. He said which means the longitudinal slope of those sidewalks would not meet ADA standards, which are referenced in the details.

The President said Attorney Doll's sidewalk is like that.

Attorney Doll said yes, it is a hike.

Jim Morley Jr. said not only do you have a longitudinal slope, you have the latitudinal slope. He said a latitudinal slope is easier to get corrected at a 2% cross slope. He said but the longitudinal slope is driven by the slope of the street. He said he isn't saying they are going to change a federal law but that is a challenge that perhaps is a County Commissioner issue, because it happens inside of the right of way of the street. He said he thinks someone said they have some details of different configurations of pre-approved plans. He asked Jim Greenwood if that is correct.

Jim Greenwood said yes.

Jim Morley Jr. asked if he can provide those to Warrick County, which would be helpful. He said that he will lay out a subdivision and there is a relatively short turnaround time from beginning to end. He said so if he knows going into it that he can put this here or this there. He said that will help them to provide a better product for their review. He said, to Jeff Willis, that he understands what he is saying about not having a homeowners association. He said he doesn't know if it's a pass-the-hat situation or how that works.

Attorney Doll said he doesn't know either, but he knows it's not the post office. He said they don't fix his mailbox either.

Jeff Willis said yes I can see that, but that's my mailbox.

Attorney Doll said he understands that, but he doubts it.

Jeff Willis asked if there are eight boxes here and three and four get damaged, who pays for it.

The President said he thinks that is something the developer is going to have to figure out. He said because they do put in their covenant and restrictions who retains this and who does that. He said he thinks it is something that is going to have to be spelled out in your covenants.

Jim Morley Jr. asked Attorney Doll if he heard him right when he said this would be a common area relative to a lake.

Attorney Doll said they talked about that. He said right now if a subdivision contains a retention facility, Warrick County does not assume responsibility over retention and detention. He said the homeowner's association or the abutting land owners are the ones responsible for that drain. He stated what he intended to say was similar to that, you could make the homeowner's association in the covenants and restrictions on the plat responsible for maintenance and repair of the CBU's. He said if you have sprinkled about the CBU's, you could be more specific. He said you could say, okay those whose mail is picked up and delivered in respected CBU shall be responsible for the maintenance or the repair. He said he doesn't care, that will be up to Mrs. Rector and the Site Review Committee to take a look at those and see what they think is reasonable. He said all he knows is that the post office isn't going to fix CBU's and Warrick County is not going to fix CBUs. He said that pretty much indicates that some property owner or an association is going to be responsible for that.

Jim Morley Jr. said he 100% agrees. He said he just wants to make sure because we are talking about placing them in the right-of-way, so they wouldn't necessarily sit on any one property owners land.

Attorney Doll said and that is what has Bobby Howard upset.

Jim Morley Jr. said he understands.

Attorney Doll said our Highway Superintendent is very worried about using the boxes in the right-of-way and the sidewalks are in the right-of-way. He said that is an issue.

Jim Morley Jr. asked relative to CBU's, who makes that decision.

Jim Greenwood asked as far as what.

Jim Morley Jr. said for CBU placement in this area.

Jim Greenwood said they would sit down and have a conversation and decide.

Frank Ledford said the respective Postmaster of the zip code that the CBU is going in. He said Newburgh would be Jim Greenwood.

Jim Morley Jr. said his question is if the post office can provide something to the Plan Commission that says you want a CBU for, as a general rule, every ten or twenty lots just so the design community can say am I having one placed for fifty lots. He said or is he going to have five spots or any kind of design guidance that you could provide to Warrick County will make it easier for the design community to provide you with plans that checks as many of your boxes off to begin with. He said they want to be proactive on their side and know that you are looking for space to fill fifty or ten boxes.

Frank Ledford said of course it is all going to be on a case by case basis.

Jim Morley Jr. said he understands but is just asking for some guidance.

Frank Ledford said a sixteen unit box is as far down as we want to go. He said a sixteen unit box scattered throughout the subdivision. He said if there is some green space that they can agree on to put more than that it would be okay. He said but anything less than sixteen, unless it's the eight units at the end of the subdivision, would be the lowest number he wants to go with.

Jim Morley Jr. said so you are looking to have a least sixteen boxes together at the minimum.

Jim Greenwood said no, one sixteen unit.

Jim Morley Jr. said yes that is what he meant and he's sorry if he said that wrong.

Mrs. Rector said one box for every sixteen homes.

Jim Morley Jr. said if you have a 48 lot subdivision, you would have at least three locations.

Amanda Mosiman said but this guidance document typically says, for safety concerns and placement typically not more than a block.

Jeff Willis said he was reading some articles that said they aren't supposed to be more than a block away.

Amanda Mosiman said yes, so the document they've already handed out in their Developer's and Builder's Guide kind of hits that point but she can definitely see where there is guidance needed.

Jim Morley Jr. said and again it's a federal deal and we aren't stopping it here but if the post office can provide any guidance to the county and the design professionals that would allow them to have a better idea of what you want when we send it to you.

The President said you still have to get with them to get the Letter of Acceptance but that is just a general beginning point.

Jim Morley Jr. said yes on our side, we are thinking we are going to have three stops but you are thinking we are going to have one stop, just in general it would be better to have that knowledge going into it.

Frank Ledford said a sixteen unit box, in most situations, that's what we typically scatter throughout the development.

Jim Morley Jr. asked if he had a desired number. He asked if all fifty are being put together in Berkshire.

Jim Greenwood said there are fifty seven or fifty nine, he can't remember, but it is all in one location. He said in Phase 2, there are two locations. He said Phase 6, or the last part, the boxes are in one location.

Jim Morley Jr. said whatever guidance you can share with Warrick County will allow them to share it back with us and get you a better product from the beginning to allow to streamline that process so that we don't have hiccups. He said because if you make changes, the way Warrick County approvals work, then it requires us to change the road plans which then requires us to change the Certificate of Compliance. He said all of that has to hit a timing. He said from when we submit a plat to when it goes to public hearing, about a month, we submit their kind of known entities. He said no one likes change. He said as you bring an unknown entity into a more known, the better product we can give you.

Jim Greenwood said sure, yes sir.

Frank Ledford said like we said, ideally if we can get together with the developers in the early stage we can then determine the location and how many boxes at each location. He said that way there wouldn't be any changes.

Jim Morley Jr. said sure.

Attorney Doll said but just to make a point, the Mode of Delivery Agreement that will ultimately be executed by the Developer and the United States Postal Service will be required in subdivisions going forward.

Jim Greenwood said yes.

Attorney Doll said if there is no meeting of the mind between a developer and the postal system, there will be no Mode of Delivery Agreement signed by the parties. He said which means, you can't deliver the mail there.

The President said or it means they can't build the subdivision.

Attorney Doll said which means they can't build the subdivision.

Jeff Willis said if someone doesn't have home delivery, are they allowed to get a P.O. Box. He asked how that works.

Jim Greenwood said absolutely, yes.

Frank Ledford said the post office offers one free mode of delivery. He said you have to have a receptacle for that. He said centralized location is your one free mode of delivery. He said if you choose to buy a post office box then that's your choice.

Jeff Willis asked if the centralized box is considered the free mode of delivery.

Frank Ledford said yes.

Jeff Willis said okay. He said he has been reading all kinds of stuff and you get bloggers talking and quoting CNN and stuff so you don't know what to believe. He said they are talking about how cluster boxes didn't count as home delivery so you can still choose the P.O. Box as the free mode of delivery. He said so he didn't know if that was the case or not.

Frank Ledford said no, the P.O. Box would not be your free mode of delivery. He said you would still have to purchase a P.O. Box.

Jeff Willis said okay.

The President said Jim let me ask you a question. He said Steve's concern about finding a house that is on fire or an emergency like carbon monoxide, (house on fire you're probably going to be able to find with flames shooting out the top) and there is no mail box in front of the house any more, how cumbersome is that to start requiring the developers (most new homes have that anyways a block but that's not necessarily the developer that does that, I think that is the home owner that chooses to do that.)

Jeff Willis said some of the new neighborhoods offer to paint your street for you right now.

The President said yes but that only lasts for a limited period of time too. He said so etched in the house is best.

Jim Morley Jr. said etched in a house works better on a brick house than siding house.

The President said we need to get ready to come up with a common thing. He said the second question is, where it will be located. He asked if there is a way to have uniformity. He said he knows you don't want all the houses looking the same. He said you are working with several different developers.

Jim Morley Jr. said in the current housing market a lot of the subdivisions are the same builder throughout. He said in those subdivisions you may have a better chance of that. He said but in an O3 subdivision where you have a little bit of everybody might make it more difficult. He said he thinks that is something you would have to put in your covenants, that all homes should have the address displayed.

The President said okay.

Steven Byers said the issue they currently have there is a Jagoe subdivision where there are people living and no addresses on the houses. He said the cluster box unit is already installed. He said they got to looking and several people brought up that they can put it out on the curb. He said that is all good until it snows or ices or something and they still can't see that. He said about 60% of our runs are medical runs. He said so going to these homes in the middle of the night for medical emergencies, we aren't able to locate them. He said we did find that our fire inspectors are operating underneath the International Code Council and the National Fire Protection Association. He said we did find the site address and premises identification, they are two separate codes that are underneath the International Code Council for residential properties. He said he doesn't know if this is something that the Commission can put in or Commissioner's look at doing an

ordinance down the road. He said I am going to get with the City as well to see if they can do an ordinance to spell that out. He said I think one of them has got what size...

The President said four inch.

Steven Byers said yes, four inch. He said so it kind of spells that out as to what they would have to follow on the address.

Mrs. Rector said we can always prepare an ordinance to require this.

Attorney Doll asked what about E911. He said I thought we had, in Indiana, a state statute that said you are supposed to be able to have a visible street address pursuant to the E911 requirements in our state. He said and I've seen, trying to think if I've seen them in Warrick County, but I've seen them in many counties.

Bob Johnson said isn't that the home owner's responsibility.

Attorney Doll said well yes, but they're the green signs that have addresses on them.

Steven Byers said Chandler did an ordinance requiring those. He said they made everyone in the town limits of Chandler required to have those.

Attorney Doll said they are not very pretty but they're sure effective if you need an ambulance.

The President said they are also reflective.

Attorney Doll said yes they are reflective. He said but they are nice if you need an ambulance in the middle of the night.

Mrs. Rector said but you don't want every house in the county have that.

Attorney Doll said Chandler did.

The President said we are just talking.

Mrs. Rector said well we are just talking then.

Attorney Doll said I'm just saying rather than create a duplicate house numbering system, it may be best that we comply with E911. He said which I think is a state statute.

The President said maybe you should verify that.

Jim Morley Jr. said I will also tell you if the fire code, check your reference, but if it's a fire code your houses are supposed to be code compliant houses anyways prior to getting your Certificate of Occupancy and so you shouldn't need a duplicate code introduced requiring them to meet code.

Jeff Willis said well the mail box was what met this before.

Jim Morley Jr. said I understand I'm just saying...

The President said by being a bus driver he can tell you that over half of the mailboxes don't have a legible name or number on them anyways so that's a moot point as well too. He said the mailboxes help in some cases but not in most.

Jim Morley Jr. said but perhaps you could tie, as a building component, speak for them, as a Building Commissioner does a Certificate of Occupancy, assuming that is the correct call, perhaps they could confirm that part of the code is being compliant.

Mrs. Rector said so that's the part of the state building codes that they inspect for electric, plumbing, and all that is part of it. She said in our case, Mr. Lockhart would be signing off..

The President said perhaps.

Steven Byers said these are codes that we enforce as a fire department. He said the issue being he doesn't know of any other fire department in Warrick County that has got an inspector. He said we have two at our department but he doesn't know of any other departments that do.

Mrs. Rector said no, she means their Building Inspector.

Steven Byers said yes he can enforce these codes.

Mrs. Rector said okay.

The President said but he doesn't work for us. He said it will be up to the Commissioners. He said anyone else, I saw someone step forward that might have some input. He said thank you Steve.

Bill Pedtke stated his name and said he is the Director of the Home Builder's Association. He said he just has a couple of questions. He said first of all he'd like to say thanks for working with the developers. He said he has heard from several that you've been able to work with them. He said he does have a concern that we make this a part of the subdivision approval process. He said every time something that sounds really good comes along, there is a time line that gets turned into delays for projects. He said not that you can't do this very quickly but you're saying if you get to the process early enough. He asked what is really an expected time line for you to look at a plan and say this is good enough or suggest this.

Jim Greenwood said if you call my office he can set an appointment up that same week. He said you can come in or he can go into your office. He said whatever works best for the developer.

Bill Pedtke said but in the age of email they might just send it to you and say please tell me what you think. He said so how long does it take to look at the plan and whatever your standards are, not less than sixteen right.

Frank Ledford said we are not requiring that it be signed off. He said all we require is that you get with the local Postmaster and approve a location. He said having it signed off is with your county.

Bill Pedtke said right that is kind of where I was going.

Frank Ledford said as far as...

Attorney Doll asked what is a Mode of Delivery Agreement then.

Frank Ledford said that's between the post office and the developer.

Attorney Doll said that is what he is asking about it seems to me.

Bill Pedtke said that is exactly the point. He said the chance of not having that agreement should be that you risk not having mail delivered in that subdivision. He said not that your subdivision is not approved by the County Commissioners or the Area Plan Commission.

Frank Ledford said we've approved locations on plats that have gone through every approval that's required through their county. He said we've gone back and approved locations. He said a new delivery for us is when that customer moves in. He said we can on that day decide between the developer and the post office, where the locations are. He said if the county has their restrictions on these then we will have to abide by those. He said the post office and the developer can wait until that first customer moves in.

Bill Pedtke said he would agree with that. He asked when you've done this, how long did it take.

Jim Greenwood said if you send me an email, he can have that turned around in two to three days.

Bill Pekin said ok two or three days.

Jim Greenwood said and that would be if he have questions.

Frank Ledford said if you're not dealing with Newburgh and you can't find the local Postmaster, he'll give you my information. He said this is my position, growth and development in this district. He said if he can't find the Postmaster or representative, he will meet with you myself. He said we are talking a day turn around.

Bill Pedtke said he got him down to one. He said listen, if it's down to just a few days great. He said he really thinks that is what we want have to go after. He said he just don't want to have it connected to approving the subdivision.

Attorney Doll said but without it being connected to approving the subdivision we run the risk of a subdivision coming into existence in Warrick Country that is not subject to a Mode of Delivery Agreement.

Jim Greenwood said he likes having a signed Mode of Delivery Agreement.

Attorney Doll said which would mean the citizens would be buying a house or a lot in a subdivision that they were incapable of getting United States Mail delivered at.

Jeff Willis said not incapable, just not allowed.

The President said or it's agreed upon that our County Surveyor does approve of it. He said or in Site Review have that opportunity to approve.

Attorney Doll said or Highway Superintendent.

The President said or the Highway Superintendent.

Attorney Doll said he don't see any way to avoid it being tied to a plat approval.

Bill Pedtke said well what if you have a subdivision where the developer was choosing to not have mail like that and just advertise it up front. He said go get your Post Office Box like he mentioned. He said he'll

tell you what he thinks, this is going to be so unpopular with the people that live here, in new subdivisions only, and get this kind of treatment that they will be willing to do that. He said especially in the age of all the internet, email, and UPS.

Attorney Doll asked if they think its inconvenient now to walk down to the street corner to get their mail under this new system, you don't think they're going to find it more inconvenient to go to the post office to open a P.O. Box.

The President said absolutely.

Bill Pedtke said I think that is exactly what they will do and they won't do it on a daily basis.

Attorney Doll said well that's their choice. He said but he don't know that Warrick County should build in plat approval the possibility of a subdivision not legally being capable of receiving United States Mail. He said he don't know how you do that without somebody getting sued someday by someone.

Jim Greenwood said we have half a million dollar home subdivisions with these cluster boxes all over the United States. He said if people are spending that kind of cash to buy a home, they are going to continue to buy homes regardless if they have to walk five houses down to get their mail.

Frank Ledford said they are doing this throughout the nation and we have been instructed to catch up.

Jeff Willis said sell at a premium to have mail service.

Frank Ledford said excuse me.

Jeff Willis said in old homes that have mail service, sell at a premium. He said because people don't want to walk to a cluster box.

Attorney Doll said maybe.

Jeff Willis said no he means..

Amanda Mosiman said it may become a thing.

The President said let me ask a question..

Amanda Mosiman said it's all hypothetical.

The President asked if a developer decided to do what they said, is that legal. He asked can you build a house without a mail box.

Bob Johnson said why not.

The President said he's just asking because he doesn't know.

Jim Greenwood said there are homes in Warrick County now that we don't deliver to because they have never established mail delivery.

The President said so that would be the developer's choice to do that. He said he still thinks with this being in our approval process, the developer needs to tell us and then we will say you need to submit that on the

plat stating there is no mail service delivery in this subdivision and we will approve that. He said but if you plan on getting mail, we need that Mode of Delivery Agreement. He said because if there is going to be a box, we want as a Site and Plan Commission, to be implementing where that is going to be located. He said that is his opinion.

John Elpers said as long as we have that option, he thinks that is a good thing. He said he knows that working sometimes with other people is very difficult. He said in our first meeting when he met you it was very difficult because you told him that the Federal Government doesn't care what he thinks. He said he told you cluster boxes in this area are not something anybody would want.

Jim Greenwood said he don't ever remember saying that to you Mr. Elpers.

John Elpers said you did. He said he remembers it very well.

The President said let's not get into that debate because that is a meeting that is passed.

John Elpers said he will probably go through it again and that's why this two day process will end up being two weeks. He said he just don't want to have somebody holding it over my head. He said that is not where we want to be. He said if we have an option to say no mail or no cluster mail boxes, that might make somebody work with you a little better.

The President said he thinks that is your option to put that on a plat but we'll require it to be on the plat. He said because we want everybody that buys a lot in that subdivision to know that...

John Elpers said he agrees and has no problem with that. He said there will be other restrictions too.

The President said that will be up to you guys. He said because he has no idea which way it will work.

Bill Pedtke said that's a good point. He said the other thing I was going to say is about the fire and addresses. He said that should be on everybody's requirements not just the subdivisions.

The President said yes.

Amanda Mosiman said yes.

Bill Pedtke said if you're going to apply that it should be a county wide ordinance not just a subdivision ordinance.

The President said sure.

Bob Johnsons said it is.

The President said he thinks it is, it's just never been enforced.

Bill Pedtke said he thinks it is and he doesn't think it is in the building codes because..

Amanda Mosiman said the only time it's going to get enforced is when it's too late.

Bill Pedtke said you would have to pass an ordinance that gets approved by the State Building Commission in order to enforce something that is outside the IRC.

Mrs. Rector said she didn't know if it was either or not.

Bill Pedtke said yeah, he doesn't know either. He said he never looked up that part.

Attorney Doll said he thinks it is the E911 Statute.

Bill Pedtke said maybe. He said that sounds like it would apply to everybody. He said so please don't attach it as a requirement that you're going to do this. He said have that agreement and maybe have that on the plat if they're not going to have a plan for it and advertise like that.

The President said what he is saying is, it's a part of our site review and that it will be required unless the developer decides to opt out of that and then put on there, no mail service.

Jeff Valiant said like a sidewalk waiver.

The President said like a sidewalk waiver.

Bill Pedtke said by the way, he thinks Bobby has some really good points about it being in the right of way. He said he appreciates your flexibility that it might be on an easement or an out lot or something like that. He said so there are some other possibilities to that also. He asked if anyone had any questions for him. He said thank you very much.

The President said thank you.

Mrs. Rector said thanks.

Bob Johnson said my concern is going to be for a person like my father who barely makes it across the street to get his mail because he can't remember where his mailbox is at, and now they are going to have people walking a block or so to a mail box and getting lost. He said or they can't walk to that mail box because they can't hardly walk because they have Parkinson's.

The President said but again these guys can't change it and we can't change it. He said it is just what is coming.

Jeff Willis said well they can change it. He said they can fight it.

Mrs. Rector said it's already a law.

Jeff Valiant said yeah, it's already a law.

Jeff Willis said it's a recommendation to the Postmaster's to...

Attorney Doll said no.

Amanda Mosiman said no.

Mrs. Rector said no.

Frank Ledford said this is not a recommendation. He said this is a directive from headquarters.

Mrs. Rector said Morrie looked at it and it is a Federal Law.

Amanda Mosiman said it is a Federal Law.

Attorney Doll said it's a law that has been on the books since 2012. He said we are way behind in implementing this.

Jordan Aigner stated his name and position, developer/ engineer. He said he has just a few quick questions. He said that did answer his question if this is a law; okay, so you have to deal with it. He said right now, does our ordinance require restrictive covenants and/or and HOA. He asked do we have to have that.

Attorney Doll said no.

Jordan Aigner said if I don't have to have that, and we have done many subdivisions that don't have those, some are 2.5 acre subdivisions in rural cases, and some are not. He said this is all cost, I understand procedure but it's about cost for me. He said I think that is a great idea because I want you guys to make money. He said because that means maybe you're not taxing us.

Frank Ledford said we don't work on tax money.

Jordan Aigner said okay great, which is why you are failing.

Jeff Willis said they work on junk mail. He said which is why they work in this state because they have too much junk mail to deliver.

Amanda Moisman said hey, come on.

Jordan Aigner said now he has to pass this maintenance conveyance on, which is what Jeff was talking about. He said we got this unit that has to be maintained and properly cared for. He asked if a Warrick County plat is a proper vehicle to place that responsibility on the home owners of that subdivision of which does not have a Homeowner's Association or restrictive covenant.

Attorney Doll said that is the only place you can put it. He said if you don't have a restrictive covenant that spells it out; a Homeowner's Association and restrictive covenants generally go hand in hand. He said otherwise, how would you enforce it.

Jordan Aigner said he agrees.

Attorney Doll said if you don't have a Homeowner's Association or set of restrictive covenants, the only place you could put it is on the plat. He said which says the property owner shall be responsible for maintaining the CBU's.

Jordan Aigner said please entertain that if you guys are requiring things don't use terminology of you must see our HOA because a lot of times we don't. He said just allow us to put it on the plat and say it. He said or you can put it on the plat and make sure it's conveyed that maintenance goes here.

Mrs. Rector said if you remember Jordan, years ago when we started out with all of the retention and detention ponds we had the statement on there: it will be maintained by whoever as recorded in private restrictions. She said it said that. She said so we made you have private restrictions. She said then we dropped that and it just says: Warrick County is not responsible for the maintenance.

Attorney Doll said we did it the other way.

Jordan Aigner said right.

Mrs. Rector said so we can do the same thing with these boxes. She said it will be the responsibility of the property owners.

Attorney Doll said no we can simply say that Warrick County will not be responsible for maintaining the cluster boxes. He said the post office agreement he presumes says, somewhere in your letter or agreement that they are not maintaining the cluster boxes. He said so therefore by process of elimination, who is maintaining the cluster boxes.

Jordan Aigner said at some point the developer is gone though. He said that is what he is getting at.

Attorney Doll said he knows.

Jordan Aigner said he doesn't want to have to go and get an HOA for everything.

Attorney Doll said the only person that is not leaving is the guy getting the mail.

Jordan Aigner said right, the homeowner.

Attorney Doll said he or she is the one that is ultimately going to be held responsible.

Jordan Aigner said so it will be collective under the people of that subdivision.

Amanda Mosiman said yes.

The President said only if it is spelled out. He said if it's not spelled out, it is a civil lawsuit between the neighbors of that subdivision.

Jordan Aigner said then you need to entertain spelling it out. He said right, either HOA...

Attorney Doll asked are we going to make one size fits everybody though. He said don't we want to leave it up to the developer and engineer to put the language on the plat that they want. He said we just want to make sure that it is really clear that Warrick County is not maintaining the CBU's.

Jordan Aigner said what you will have is like the 90% of the work that your Storm Water Department does. He said which is going back into old swales and paying for things.

Attorney Doll said he knows.

Jordan Aigner said be proactive and flat out say it. He said you have to apply the blame, or the responsibility. He said it's either the developer, the home owners, or an HOA. He asked what is wrong with that. He said we know it's not you. He said it has to be one of the three.

Attorney Doll said well we were just asked not to do that. He said by the Association.

Amanda Mosiman said yeah.

Jordan Aigner said well that's him. He said he's a developer standing at this podium. He said he's telling you something needs to be on there because what will happen is they'll get in disrepair. He said those

people, five years from now, will come back and these guys aren't paying for it and they shouldn't have to. He said I understand that is just the way it is.

Mrs. Rector said it should be the property owners just like we have to maintain our own mailboxes.

Jordan Aigner said mailboxes yes.

Mrs. Rector said so those people using that cluster box would have to fix it.

Jordan Aigner said right. He said that's fine.

Mrs. Rector said simple.

Jeff Willis said well my neighbor keeps breaking my mailbox because he's mad that he has a bill.

Mrs. Rector said well quit being so mean.

The President said get you a post office box.

Jeff Willis said well it's his neighbor.

Jordan Aigner said is this going to be retroactive guys. He said he has a subdivision in Boonville, not your jurisdiction. He said but if it was and I've only got four houses there, are you going to call me and say we are doing cluster boxes now. He asked is it retroactive.

The President said within the last year.

Amanda Mosiman said one year.

Attorney Doll said one year.

The President said if it's not been there a year...

Jeff Willis said they have to have mail service for a year right.

Jim Greenwood asked are those a year old.

Jordan Aigner said they are.

Amanda Mosiman said then you are fine.

Jordan Aigner said but that is just those four homes. He said there are twenty other lots that you guys are going to say, well hey let's do a cluster box, right.

Jim Greenwood said those will go to a cluster box.

Jordan Aigner said so you're going to have four people in a subdivision, remember this plat has already been recorded, so you're going to have four people that have a house service and cluster boxes as well.

Jim Greenwood said yes.

Jordan Aigner said can you go back to those four people and say you no longer have it since we are bringing in cluster boxes.

Jim Greenwood said only if it's not been a year.

Jordan Aigner said what does that mean though.

Amanda Mosiman said if they have had mail service for a year..

Attorney Doll said they're grandfathered.

Amanda Mosiman said they're grandfathered.

Jordan Aigner said okay.

Mrs. Rector said those four people but the rest are not.

Jordan Aigner said right, that is kind of a mess.

Amanda Mosiman said yes.

Attorney Doll said I'm guessing you'll want to put the four people with the rest of your lots into a cluster box.

Jeff Willis said they probably won't want to be so they'll probably want to stick with their current mail service.

Jeff Valiant said they will probably move.

Jordan Aigner said okay, that's just something to think too. He said it's going to be a pain. He said he guesses what he's asking is, instead of the developers being the bad people, it is what it is...

Jeff Willis said he thinks we are the bad people.

Jordan Aigner said you are, he's sorry, you're representing bad people he guesses. He said he's going to have to tell four people, three people he knows okay, that we are going to a cluster box. He said they are not going to understand all this. He said can you guys do maybe a hearing or more than just this.

Attorney Doll asked over their policy.

Jordan Aigner said sure.

Mrs. Rector said no.

Attorney Doll said no but you can take a copy of this and make four copies and give it to them.

Jordan Aigner said fair enough. He said the last thing..

Mrs. Rector said she honestly thought Jordan, that she copied all you guys engineers, Mr. Pedke, and others. She said she honestly thought this room would be packed tonight.

Jordan Aigner said you know how it is though Sherri. He said you're talking about people though, not the developers that's one thing. He said when the people realize it...

Attorney Doll said you mean when you start showing up to install cluster boxes.

Jordan Aigner said the day it shows up, that will be what happens.

Amanda Mosiman said she can host an education event.

Jordan Aigner said that would be awesome.

Amanda Mosiman said there are modes to do that besides the County.

Jordan Aigner said the last thing is, and he doesn't want to over think this but Jim brought it up. He said I've really been thinking about this. He said this really is something to think through. He asked if he is required, as a developer, the location of where that cluster box goes. He said I'm a part of that decision, right.

The President said you are a part of that decision.

Attorney Doll said in conjunction with the Postmaster.

The President said with the Postmaster.

Jordan Aigner said in conjunction with.... so he is making someone at 223 Maple walk down to this location.

Attorney Doll said yes.

Jordan Aigner said right he's a part of that decision.

Attorney Doll said yes.

Jordan Aigner said if that is a non ADA street, he is making them go down that street to get their mail.

Attorney Doll said we should not be building non ADA streets but we apparently have been.

Jordan Aigner said okay, great let's go there. He said so now are we going to change Warrick County Ordinance that you must build an ADA longitudinal slope.

Attorney Doll said he's going to tell you that he isn't sure the Warrick County Ordinance is valid if it does not comply with state ADA standards. He said under the supremacy rule of Indiana Law, first comes constitution, second state statutes, and third comes local ordinances and priorities. He said we don't get to trump the states standards. He said if we are building them out of compliance with state standards, we can probably get in litigations.

Jordan Aigner said what does your ordinance allow for a longitudinal slope on a road.

Attorney Doll said Jim says we aren't compliant.

Mrs. Rector said Bobby Howard checks those, I don't.

Jordan Aigner said he doesn't want you to change that because now you're going to have some ground that we can't develop, or you're going to put immense cost on the developer. He said but couldn't you potentially see a lawsuit that says, I slipped or I flat out can't make it down to the mail box. He said the post office made the decision and the developer made the decision because you guys chose it. He said Warrick County Planning Commission required it to be done on their plat. He said there are three parties and I don't want to be one of them.

Frank Ledford said the post office still offers a hardship. He said they can still request a hardship. He said it isn't easy to get but you can request a hardship if you can't pick up your mail from that cluster box.

Jim Greenwood said we have a few hardships in Newburgh. He said they can't make it to their mailbox. He said it is difficult to get those but there are some people that really need that. He said therefore we drive to their door and hand deliver that mail to a box.

Jordan Aigner said sure.

Jim Greenwood said or near their door when they can't just stroll right out to a convenient location due to their health restrictions.

Jordan Aigner said he recognizes this is being done everywhere. He said he's certainly not trying to be an obstruction. He said he is just saying we have to think through. He said if we are behind the 8 ball, give us time to catch up. He said he don't want to be opening myself up to some stuff. He said you know lawsuits. He asked is it true that you can sue anybody for anything.

Amanda Mosiman said yes.

Attorney Doll said yes.

Jordan Aigner said ok well, never mind then. He said the main thing is just allow us on the plat to say certain things and do things so he don't have to put a bunch of legal costs on top of what we already have.

Mrs. Rector said and she thinks that is what should be done.

Attorney Doll said but that is going to be on a case by case basis at the Site Review.

The President said that is the purpose of the site review.

Mrs. Rector said yes.

Attorney Doll said case by case basis at the site review.

Mrs. Rector said yes.

Jordan Aigner said okay, sounds good.

The President said are there any other questions for anybody.

Jim Morley Jr. said ultimately when you create ordinances that addresses this ...

Mrs. Rector said we know that the postal service is enforcing this now and they have no choice, no matter what we do they are going to go in. She said my question to Morrie is do we tonight, if the Board wants; they just have to make a motion that this is a part of the subdivision approval process, that either a note that there is no postal service in the subdivision or do they have this agreement before it gets to the Planning Commission for primary plat approval. She said of course it's going to have to be in the street plans. She said do we just do that or do we have to change the ordinance to do that.

Attorney Doll said you can put it in the rules if you wish, or we can make a motion and recommend it to the County Commissioners that they change the Subdivision Control Ordinance that requires it. He said if you're not ready to make that decision, you can ask to sleep on it, think about it, and you can vote on it next month. He said but at some point in time we've got to face this dilemma because they are going to stop putting mail in people's private mailboxes.

Jeff Willis asked if certified mail is still delivered to the door or is it delivered to the cluster box.

Frank Ledford said anything that has to be signed for will be delivered to the address.

Jeff Willis said okay, that was his concern because that's where the important stuff comes.

Bob Johnson said can you not deliver mail.

Frank Ledford said if someone doesn't restrain their dog we cannot deliver the mail.

Bob Johnson said safety yes.

Attorney Doll said if there is no mail box.

Frank Ledford said if there is no mail receptacle then we won't deliver it.

The President said let me clarify. He said Morrie, it can either be a new ordinance or a change to the Subdivision Control Ordinance. He said do you think perhaps they could just go in our rules.

Attorney Doll said yes.

The President said was there a third or was that it; it was one of those two.

Amanda Mosiman said well I mean that was three right. She said new, change, or put in the rules.

The President said I think we should consider the rules.

Mrs. Rector said yes.

The President said again, the longer we wait the more subdivisions are going to be like Jordan's because they are going to be within the month when more subdivisions started. He said if we don't have something in place they are already working on their clusters anyway regardless of where we are at. He said he thinks we need to do something but he doesn't think a month, if you guys want to stew over it and come up with some more questions.

Bob Johnson said he thinks this is something they are not going to take lightly and they need to think through.

The President said that's what he's saying, if we need another month. He said but I think we need to take some sort of action next month. He said the longer we go, because it's going, we are going to get more subdivisions started that perhaps have to be changed or it needs to be up front. He said I don't have a problem with waiting a month to consider.

Jeff Willis said if they put the cluster boxes between the sidewalk and the street, it sounds like the County is probably not, because we don't want people to get hit going to their mailboxes.

Mrs. Rector said she would like Bob to ask Bobby, the County Engineer, to try and come to the next meeting to answer those questions. She said instead of just saying he doesn't really want them in the right-of-way or I just want them back behind there, she thinks he needs to explain exactly where, why, and how far back exactly and talk to the Commissioners in the meantime. She said if they are a part of the street plan approval, they are the ones approving that, not us.

The President said right.

Mrs. Rector said we're not doing it, it eventually falls on the Commissioners.

Bob Johnson said well we can talk to Bobby and get him here.

Amanda Mosiman said is this going to be a better topic served at another special meeting, kind of like what we did with the Comprehensive Plan. She said so we can have all parties involved and have another joint meeting to discuss this.

Attorney Doll said well we thought we did that tonight.

Mrs. Rector said she tried to tonight.

Attorney Doll said that is why the postal service folks are here and builders and developers were notified.

Amanda Mosiman said okay.

Attorney Doll said the only one that couldn't be here tonight was Bobby and he had a pre-existing conflict.

Amanda Mosiman said okay.

Attorney Doll said he did tell Sherri and me prior to the meeting, he would like it to be a part of the street plans. He said he would like for them to be behind the sidewalks. He said not between the sidewalk and the street, behind the sidewalks. He said he thinks that was it.

Mrs. Rector said and he doesn't want them facing the street.

The President said well how do you do that. He said if you're behind the sidewalk and not facing the street then you have to go out in the yard to get the mail. He said that doesn't work.

Attorney Doll said people with wheelchairs would never be able to access their boxes.

Mrs. Rector said no.

Frank Ledford said it does take up more space when you turn them the other way.

Mrs. Rector said turn them towards the house.

Attorney Doll said to face away from the structure.

Frank Ledford said you'll have to have additional concrete.

The President said to get to them.

Jim Greenwood said he would say if they are behind the sidewalk then they could face the sidewalk.

Bob Johnson said face towards the street.

Jim Greenwood said as long as they're behind the sidewalk.

The President said of course you can't reach them unless you drive up on the sidewalk.

Mrs. Rector said basically this picture out at Jagoe, there is normally the curb then a foot or two of green space. She said that is where your mailbox is and then you have the sidewalk. She said now this is like where the green space would be the boxes now. She said so they are closer to the road than my mailbox is.

Attorney Doll said which could be a safety hazard.

Mrs. Rector said yes.

Jeff Willis said are they facing the street or facing the sidewalk.

Mrs. Rector said they are facing the houses.

Jeff Willis said it is in the sidewalk.

Amanda Mosiman said what sidewalk.

The President said there is usually a green space.

Mrs. Rector said she can't tell. She said Jr. is this a four foot sidewalk that they are putting in or is this a pad that may be larger.

The President said he bets that is six foot.

Mrs. Rector said it looks larger than four feet.

The President said that is a six foot. He said that is probably the four and the two together. He said that's the same thing.

Bob Johnson said someone in a wheel chair would have a hard time.

Jim Morley Jr. said I was just going to ask if you are going to table it for a month to work on an ordinance or something, I would love to be a part of that conversation.

Mrs. Rector said okay.

The President asked what are the Board's wishes.

Jeff Valiant motioned to table for additional consideration and Bob Johnson seconded the motion. All in favor and the motion carries unanimously.

The President said he wants to thank everybody for their time and input. He said it is something that is coming but we need to address it to the best interest of as many people as we can. He said we know we are not going to make everybody happy. He said we know we are going to make a lot unhappy. He said we will do the best that we can to come up with a compromise.

Jeff Ledford said I will be happy to come back and answer any questions.

The President said I appreciate that.

Attorney Doll said June 10th.

The President said June 10th.

Mrs. Rector said right back in here at six.

The President said if we come up with something special in the mean time we will also contact you for that. He said thank you.

Mrs. Rector said send me those examples like he was talking about.

The President said the next item on the agenda is attorney business.

ATTORNEY BUSINESS:

Attorney Doll said it is not directly to this Board but it is to the Board of Zoning Appeals, today the circuit court judge dismissed a petition for judicial review by Mr. Mark Hendrickson against the Indiana Land Peabody Coal Mine pursuant to our joint motion with Peabody Coal, which we filed in March. He said it remains to be seen whether Mr. Hendrickson will take other steps. He said that is all.

The President asked is there any Executive Director business.

EXECUTIVE DIRECTOR BUSINESS:

Mrs. Rector said there is nothing.

The President said does anybody else have anything good for the Board.

Amanda Mosiman asked when we tabled the solar thing. She said was it June. She said we now have the solar thing and the mailboxes for June.

The President said he would entertain a motion.

Richard Reid motioned to adjourn and Bob Johnson seconded the motion. All were in favor.

Meeting adjourned at 8:04 P.M.

ATTEST:

Sherri Rector, Executive Director

Guy Gentry, President